

expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of a patent having claims directed to the subject matter of claim 84 of U.S. Patent Application Serial No. 09/794,308 and issued from that application. The Regents of the University of California also hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application with claims directed to the subject matter of claim 103 of U.S. Patent Application Serial No. 09/866,538 and issued from that application. The owner hereby agrees that any patent so granted on the instant application with claims directed to the subject matter of pending claim 147 shall be enforceable only for and during such period that it and such patent(s) issuing from U.S. Patent Application Serial No. 09/794,308 and from U.S. Patent Application Serial No. 09/866,538 are commonly owned. This agreement runs with any patent granted on the instant application, and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term of such a patent issuing from U.S. Patent Application Serial No. 09/794,308 or from U.S. Patent Application Serial No. 09/866,538 as defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, or in the event that it later is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole, or terminally disclaimed under 37 C.F.R. 1.321; has all claims canceled by a re-examination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

2. For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

3. I hereby declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

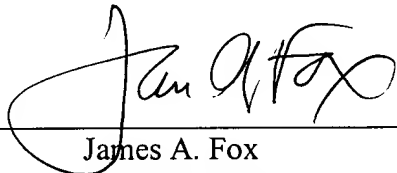
Code, and that such willful false statement may jeopardize the validity of the application or any patent issued thereon.

4. The undersigned is an attorney of record.

5. The Commissioner is authorized to charge any fees, including any fees for extension of time, or credit overpayment to Deposit Account No. 08-1641 (Attorney Docket No.: 39754-0891 CPC1CP1). A duplicate copy of the transmittal letter accompanying the present Terminal Disclaimer is enclosed.

Respectfully submitted,

Date: December 6, 2004



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